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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
CARLO PEREGO, ET AL.	: EXAMINER: DANG, T. D.
SERIAL NO: 10/019,273	:
FILED: APRIL 9, 2002	: GROUP ART UNIT: 1764
FOR: PROCESS FOR THE PRODUCTION OF PROPYLENE FROM OLEFINIC STREAMS	:

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following is a Reply Brief in reply to the Examiner's Answer dated September 19, 2005 (Answer), particularly the Examiner's "Response to Argument" (Answer at 5-8).

In reply to the Examiner's finding that the data in Example 3 and Comparative Example 4 in the specification herein are not commensurate in scope with the claims, and that the comparison between Example 3 and Comparative Example 5 is not probative because these two zeolites have a different ratio of silica-alumina (Answer at 5), the requirement of evidence being commensurate in scope does not apply herein, because no *prima facie* case of obviousness has been made out. Nevertheless, Applicants' point in relying on this data was simply to point out that while at best (from Applicants' perspective) the prior art prefers a zeolite different from that used by Applicants, i.e., Leyshon et al's ZSM-5, and at worst (again from Applicants' perspective), the prior art does not distinguish among the types of

zeolite used as a catalyst in a process for production of propylene of the type claimed herein, Applicants show that the type of zeolite used actually does matter. Note that ZSM-12 **necessarily** has a different structure from ZSM-5, regardless of the ratio of silica/alumina.

The Examiner finds that Leyshon et al's disclosure of ZSM-5 being "especially useful" is not, in effect, the same as describing it as preferred (Answer at 6). In reply, this appears to be a distinction without a difference.

Nor have Applicants argued that the disclosure in Leyshon et al is limited to ZSM-5, as the Examiner appears to find (Answer at 6). Applicants' point is simply that their zeolite produces better and unexpected results compared to the use of the catalyst, i.e., ZSM-5, which Leyshon et al describes as "especially useful," and which is used in the only example of Leyshon et al.

In reply to the Examiner's finding that the *Baird* case, cited in the Appeal Brief, does not apply (Answer at 6), it is submitted that the breadth of the disclosure in Leyshon et al of applicable zeolite catalysts is sufficiently large in scope so that it meets the criteria laid down by *Baird*.

In reply to the Examiner's finding that the present claims do not exclude the subsequent metathesis of Leyshon et al (Answer at 6), Applicants agree. However, Applicants have been able to obtain satisfactory yields of propylene without the addition of a metathesis reaction, as described in the Appeal Brief at 7-8, a result that could not have been predicted from Leyshon et al.

In reply to the Examiner's separate consideration of Claims 13, 14, and 17-20 (Answer at 6-7), Applicants maintain their position as set forth in the Appeal Brief at 8-9.

The Examiner finds that Figure 1 herein does not support the term "for 25 [hours] or more" because it shows only a maximum around 140 hours but, in effect, no longer (Answer at 7). In reply, it is clear given the nature of the present invention that there is no particular

maximum. The point simply is that the catalyst composition maintains both catalytic activity and/or same level of conversion for at least 25 hours.

In reply to the Examiner's finding with regard to Claim 20 that large pore zeolites other than ZSM-12 "cannot be recognized in the specification" (Answer at 7-8), Applicants note that Claim 20 recites "a large pore zeolite **comprising a lattice of 12 tetrahedrons**" (emphasis added). The Examiner has ignored the above-emphasized portion.

Applicants continue to maintain that all of the rejections should be REVERSED.

Respectfully submitted,

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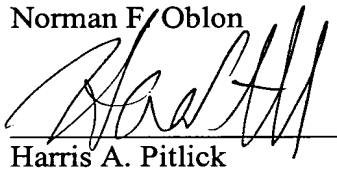
MAIER & NEUSTADT, P.C.
Norman F. Oblon



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